

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

iROBOT CORPORATION,

Plaintiff

v.

HOOVER, INC.;

ROYAL APPLIANCE MANUFACTURING
CO. INC. D/B/A TTI FLOOR CARE NORTH
AMERICA, INC.;

SHENZHEN SILVER STAR INTELLIGENT
TECHNOLOGY CO., LTD.; and

SUZHOU REAL POWER ELECTRIC
APPLIANCE CO., LTD.,

Defendants.

Civil Action No. 1:17-cv-10647

JURY TRIAL DEMANDED

**MEMORANDUM IN SUPPORT OF
MOTION FOR DISMISSAL WITHOUT PREJUDICE**

Plaintiff iRobot Corp. (“iRobot”) hereby submits this memorandum in support of its motion to dismiss certain claims brought in the above-referenced lawsuit.

iRobot filed its complaint against Defendants Suzhou Real Power Electric Appliance Co., Ltd. (“Real Power”), Hoover Inc. (“Hoover”), and Royal Appliance Manufacturing Co. Inc. d/b/a TTI Floor Care North America, Inc. (“TTI”) asserting infringement of U.S. Patent Nos. 6,809,490, 7,155,308, 8,474,090, 8,600,553, 9,038,233, and 9,486,924 on April 17, 2017.

On April 18, 2017, iRobot filed a complaint with the United States International Trade Commission (“ITC”) alleging a violation of 19 U.S.C. § 1337 against the Defendants. On May 17, 2017, the ITC instituted an investigation, captioned *Certain Robotic Vacuum Cleaning Devices and Components Thereof Such as Spare Parts*, Inv. No. 337-TA-1057 (“the

Investigation”). The Investigation involves the same patents-in-suit and the same accused products that are involved in this litigation. On June 13, 2017, the Court stayed the current case pursuant to 28 U.S.C. § 1659(a).

iRobot has entered into an agreement with one of Real Power’s suppliers. As a result, iRobot moved to Terminate the Investigation on the basis of the withdrawal of the complaint against Real Power in whole, and against Hoover and TTI in part only with respect to the Quest 600 (Model BH70600), Quest 700 (Model BH70700), and Quest 800 (Model BH70800). The Hoover Quest 1000 (Model BH71000), as well as other products remain at issue in the Investigation.

For these reasons, iRobot respectfully requests that the Court dismiss all claims by iRobot against Real Power without prejudice in the instant lawsuit. iRobot further moves to dismiss specific allegations of patent infringement against Hoover and TTI, in relation to products made by Real Power for Hoover and/or TTI without prejudice, specifically the Quest 600 (Model BH70600), Quest 700 (Model BH70700), and Quest 800 (Model BH70800).

For the sake of clarity, iRobot does not seek to dismiss Hoover and TTI from the lawsuit, only certain allegations of infringement as set forth herein.

Dated: September 18, 2017

Respectfully submitted,

By: /s/ Stephen A. Marshall
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Counsel for Plaintiff iRobot Corp.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on September 18, 2017, via the Court's CM/ECF system.

/s/ Stephen A. Marshall
Stephen A. Marshall